

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA, ) 4:09 CR 360 CDP  
 )  
Plaintiff, )  
 )  
vs. ) St. Louis, Missouri  
 )  
JAMES VERNON JOSEPH, Jr, ) May 29, 2009  
 )  
Defendant. )

TRANSCRIPT OF DETENTION HEARING  
BEFORE MAGISTRATE THOMAS C. MUMMERT

APPEARANCES:

For the Government: Mr. Howard Marcus  
Assistant US Attorney  
111 South 10th Street  
St. Louis, Missouri 63102

For the Defendant: Mr. John Bouhasin  
Attorney at Law  
5201 Hampton Avenue  
St. Louis, Missouri 63109

Ms. Brittney Stockton  
Attorney at Law  
120 South Central, Suite 130  
Clayton, MO 63105

Transcribed by:

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St. Louis, MO 63102

1           THE COURT:   Okay.   Doesn't look like Mr. Dwyer is  
2 here.

3           We'll start with James Joseph.   This is a motion for  
4 detention which I've continued a couple times at the request  
5 of the defendant.

6           Mr. Bouhasin.

7           MR. BOUHASIN:   Your Honor, I apologize.   It's my  
8 understanding that Joel Schwartz will be entering his  
9 appearance as co-counsel in this matter.

10          THE COURT:   Okay.

11          MR. BOUHASIN:   Brittney Stockton is here on behalf  
12 of Mr. Schwartz.

13          MS. STOCKTON:   Hi, Your Honor.

14          THE COURT:   Hi, Brittney, how are you doing.

15          MS. STOCKTON:   I'm good.   Thank you.

16          THE COURT:   Good.

17          MR. BOUHASIN:   Thank you, Your Honor.

18          Judge -- I'm sorry.

19          THE COURT:   No, go ahead.

20          MR. BOUHASIN:   At this time we would wait -- we  
21 were led to believe that another indictment was coming down  
22 and at this point I'm not aware of another indictment.

23                 It's also my understanding that Mr. Joseph was being  
24 held for unlawfully fleeing from prosecution of a case out in  
25 New York.   We verified with pretrial that there is no active

1 case in New York. In fact, the case's closed to the best of  
2 our knowledge to the best of pretrial's knowledge.

3 It's also alleged that Mr. Joseph doesn't have local  
4 ties. He has a cousin that lives here on East John that will  
5 provide him residence that he can stay with throughout the  
6 course of this proceeding.

7 If you look at the criminal history of Mr. Joseph,  
8 Judge, he has one prior arrest, very -- one prior arrest  
9 which he was convicted of and he served his time on. He did  
10 not flee from prosecution, he faced the charges and faced a  
11 sentencing at the time that was associated with that charge.  
12 He was subsequently arrested in Bridgeton for the same  
13 incident, Your Honor. That was the other history that's  
14 indicated from 2009 out in Bridgeton, Missouri, that's where  
15 this actual arrest occurred.

16 My client's mother intended to be here today and that's  
17 why I had originally continued the matter from Wednesday  
18 until today but she was in fact unable to make it today.

19 Mr. Joseph has no ability to travel since all of his  
20 official documentation has been seized by the government and  
21 Mr. Joseph would ask the Court set a bond so he can be  
22 released regardless of the conditions, where it requires  
23 electronic home monitoring or anything that would suffice to  
24 the Court but this time, Judge, there's nothing pending  
25 against Mr. Joseph that would warrant his detention in this

1 matter and we ask that you set a bond for Mr. Joseph.

2 THE COURT: Okay. Thank you.

3 Mr. Marcus?

4 MR. MARCUS: Your Honor, I hate to take issue with  
5 counsel. He has been convicted of one crime but I'm  
6 looking -- in terms of arrests, he's got numerous arrests for  
7 failure to appear in Nevada, multiple arrests. It looks like  
8 he has arrests for public nuisance, kidnapping, false  
9 imprisonment, bench warrants, more bench warrants, so this is  
10 not the first time he's been in front of the Court outside of  
11 his conviction, imprisonment.

12 While he is only charged with false identity documents  
13 right now, this is an ongoing investigation. What the grand  
14 jury will do I can't predict. I do anticipate some  
15 additional charges to the grand jury as this case progresses.  
16 It's not simply a matter of false identification, we've  
17 unsealed the search warrant on his digital medias.

18 When he was arrested, he was in a car that had traps  
19 cut in the doors, apparently from containing or had contained  
20 marijuana based on the odors of the dryer sheets contained in  
21 there.

22 They found multiple false identities in his name. He  
23 had at least three names, he's -- he's traveled under, the  
24 bonafide identity documents in his name. The driver's  
25 license, state IDs, Las Vegas Metropolitan Police Department

1 use and carry pistol card for a Glock firearm. He is a  
2 felon, he shouldn't be having a firearm, but apparently there  
3 is one there -- floating out there in the cosmos.

4 In his car there were probably 15, 16, 17 items of  
5 media, including a computer, multiple cell phones, cameras,  
6 GPS devices, indicating a lot of travel. It's going to take  
7 some time for the FBI to conduct forensic evaluation on this  
8 material.

9 Everything that is before this Court indicates that  
10 this gentleman is involved in a Mann Act or potential  
11 violation of 1591, trafficking by forced, fraud or coercion.  
12 I think it would be egregious error to let this man out. He  
13 has no ties here, we know nothing about this cousin. I've  
14 never seen in 20 years of pretrial services the Court so  
15 devoid of any information provided by the defendant, no  
16 inclination to cooperate with pretrial services so that if he  
17 is a flight risk, given his criminal history, the fact that  
18 he may have weapons I think the record indicates he has would  
19 also be a danger to the community if released at this time  
20 and as I indicated, this is an ongoing investigation and I  
21 anticipate violations of either the Mann Act or 1591 to be  
22 submitted to the grand jury in the very near future.

23 THE COURT: All right. Thank you.

24 I'm not sure defense has access yet to the -- the  
25 search warrant. Actually, I signed. I happened to be on

1 criminal duty last week when I signed this before I even  
2 heard of Mr. -- Mr. Joseph but the government moved to have  
3 that unsealed, the search warrant seal unsealed, which I  
4 signed yesterday, so it's unsealed. The problem is it  
5 doesn't -- in our system it doesn't show up in the open files  
6 until the search warrant return has been made. That's when  
7 we send the file again to the -- because it's really  
8 unsealing something that's half -- half there and not fully  
9 complete and filed I suppose so eventually the defendant will  
10 have access to the search warrant which is -- the affidavit  
11 supporting the search warrant is over 20 pages and it reads  
12 like a Mann Act is what -- that's what it's coming, I mean  
13 I'd be -- you may not be able to predict what the grand jury  
14 does but the -- looks like it's heading that way to me from  
15 my perspective, so based on what I've -- I know about this  
16 case from the pretrial services' report and the -- and the  
17 proffer made by the U.S. attorney, the Court will enter an  
18 order detaining the defendant pending further action in the  
19 matter.

20 Anything else from Mr. Joseph?

21 MR. BOUHASIN: No, Your Honor.

22 THE COURT: All right. And there's going to be  
23 another lawyer.

24 Mr. Schwartz's firm is going to enter also, is that the  
25 deal?

1 MS. STOCKTON: Yes, Your Honor. I talked to the  
2 secretary this morning. There should be an entry filed  
3 already on behalf of Mr. Joseph.

4 THE COURT: All right. You are both going to stay  
5 in the case, is that how this is going to go?

6 All right. Thank you.

7 Good luck, Mr. Joseph.

8 (Recess.)

9 \*\*\*\*\*

10 CERTIFICATE

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20  
21 \_\_\_\_\_  
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/s/ Lynne Shrum